



RHD Rural Delivery

New York State Rural Housing Coalition, Inc.

March, 2014

Permanent Tenant Protection Act Proposed

Senator Al Franken co-sponsored S 1761, the Permanently Protecting Tenants at Foreclosure Act, on February 10th. The Protecting Tenants at Foreclosure Act (PTFA) is the only federal protection for renters living in foreclosed properties and assures most tenants have the right to at least 90 days' notice before being required to move after a foreclosure. S 1761 would remove the PTFA's December 31, 2014 sunset date and would add a private right of action to the law. Introduced by Senator Richard Blumenthal, S 1761 now has five co-sponsors and has been referred to the Senate Committee on Banking, Housing, and Urban Affairs.

The House version of the bill, HR 3543, introduced by Representative Keith Ellison, has 21 co-sponsors and has been referred to the House Committee on Financial Services. The most recent co-sponsors

Coalition Celebrates 35th Anniversary!

On September 10th, 1979, at 10:00 in the morning, Supreme Court Justice John O'C. Conway was presented the incorporation papers for the Rural Housing Coalition. Judge Conway issued the approval of incorporation on September 24th. The original incorporators were Barb Lamphere, Bob Bates, Alan Smith, Alex Velto. James Reina, and Beth Schryver.

are Representatives Lucille Roybal-Allard and John Sarbanes.

In other PTFA news, two PTFA-related court cases, *Mik. v. Freddie Mac* and *Nativi v. Deutsche Bank*, have been resolved in favor of tenants who asserted their rights had been violated under the PTFA. In the case of *Mik v. Freddie Mac*, tenants Paul and Lee Ann Mik argued they were "unlawfully evicted from their rental home after their landlord defaulted on her mortgages and the property was sold at a foreclosure auction." While initially the Miks' complaint asserting claims under the PTFA was dismissed due to the PTFA's lack of a private right of action, the tenants prevailed on appeal on February 7th. The court said in its opinion that while the PTFA does not have a private right of action, tenants may use state law claims to enforce the federal PTFA. An amicus brief was co-filed by the

So, the Coalition was born on the 24th of September, 1979, making the organization a Libra, and a Gen Xer to boot, with six godparents. There is no mention of baby weight or length.

If you have memories to share of fun in the early days of the Coalition, we'd love to receive them. Email them to colin@ruralhousing.org.

National Housing Law Project, the Public Justice Center, the National Law Center on Homelessness and Poverty, and the National Low Income Housing Coalition.

On January 23rd, it was held in the case of *Nativi v. Deutsche Bank* that bona fide leases survive foreclosure under the PTFA, tenants in illegally converted garage units are protected under the PTFA, and state law claims may be brought to enforce the PTFA. The lawsuit was filed when Rosario Nativi and her son Jose Perez were evicted from their apartment after Deutsche Bank became the owner of the property through foreclosure. An amicus brief was filed by the National Housing Law Project, the National Law Center on Homelessness and Poverty, AARP, the National Fair Housing Alliance, and the California Reinvestment Coalition.

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Rural Delivery

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The Coalition is a non-profit statewide membership organization dedicated to strengthening and revitalizing rural New York by assisting housing and community development providers.

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Bits and Pieces...

Laura Zeilinger Named USICH Executive Director

Laura Zeilinger has been appointed Executive Director of the United States Interagency Council on Homelessness (USICH), effective March 7th. The announcement was made on February 18th. Ms. Zeilinger, who currently serves as USICH Deputy Director, will replace departing Executive Director Barbara Poppe.

Prior to joining USICH in 2011, Ms. Zeilinger served as Deputy Director for Program Operations at the District of Columbia Department of Human Services, where she led efforts to create 1,000 additional units of permanent supportive housing as part of the city's Homeless No More Plan, and designed and implemented the city's Housing First initiative.

HUD NOFA Info Released

HUD has posted the general section of the 2014 competitive funding applications on its website in anticipation of the release of program-specific NOFAs later this spring and into the summer application season. Early review of the general section is advised to better prepare for the busy-ness of the application season. The general section information can be found on the HUD website at http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/grants/fundsavail/2014gensec.

Energy Funding Still Available

NYSERDA offers financing for energy efficiency improvements for commercial or industrial buildings that are newly constructed or substantially rehabilitated. The program provides technical support to design teams and financial incentives to building owners. According to the website, funding is still available under PONs 1501 and 1601. For more information, visit www.nyserderda.gov/new-construction.

Federal and U.S. military employees can support the Rural Housing Coalition through the annual Combined Federal Campaign (CFC). If you are a federal government or military employee and would like to donate through the CFC, please enter CFC code #9614 on your pledge card during the next fund drive.

Suffolk County Homeless Shelters Stir Debate

A February 16th article in Long Island *Newsday* examines growing controversy over a large homeless shelter that opened last fall in Commack. Suffolk County has enacted policies to increase the size of shelters because they are less costly to operate, and can offer increased levels of services to homeless families housed in them. The Commack facility is the third large shelter to be developed in Suffolk County.

Concerns have been raised by local residents about the impact of the large shelter on local schools, as well as the isolation of the 100 family facility, which is not easily accessible to shopping or other services. According to shelter officials, only 16 of the students in the shelter attend the local Hauppauge school district, which has an enrollment of 4,000. The remaining 90

students are bused to their home school districts. Critics have been crowding County hearings and local school board meetings complaining of the impact on the Hauppauge district.

A Suffolk County legislator has introduced a bill to close the shelter. He notes that a law enacted in 2000 limits the size of homeless shelters in the county to no more than 12 families. However, this past November the county attorney issued an opinion that state law requiring counties to provide housing for the homeless pre-empts the county law. The recently-introduced bill was repeatedly tabled by the legislature last year, never receiving enough support to bring it to a vote. Another legislator has noted that the county is running out of space in the smaller facilities.

TA Thursday!

TA Thursday is a facilitated discussion among Upstate NY HUD CPD Grantees to learn, share what works and inspire dialogue among grantees working on similar issues. It is an informal opportunity to hear the latest and ask questions. There is a different topic each month.

The next session will be held on Thursday, March 13th, from 9:30 – 10:30 AM. The subject will be Economic Development– Using CDBG and Section 108 to create job opportunities. This session will review the program requirements, discuss the pros and cons of using the programs, and cover some of the frequently asked questions including:

- Job documentation
- Revolving loan funds
- What's the right National Objective: Low-Mod Jobs vs. Slums and Blight
- Managing Program Income records
- What happens when the project doesn't work out

Success stories will be shared. The dial-in number for the conference call is: (888) 675-2535. The access code is 6394561. Grantees are also invited to join the HUD CPD staff in the Buffalo office (6th floor training room). If you are planning to come to the office, please notify your HUD representative at (716) 551-5755.

Actions Of The Housing Trust Fund Corporation

At its meeting on January 29th, the Board of the Housing Trust Fund Corporation approved the following actions:

- An award to the Village of Kinderhook (Columbia County) to install sewer lines in the business district (see article on Page 4);
- The expansion of a previously-committed HOME award to the Corpus Christi housing project in Rochester. This project will receive an additional \$450,000 in redeployed HOME funds to cover cost increases.
- The first urban funding award under the Rural and Community Investment Fund. The \$430,000 award will support the development of 10,000 square feet of commercial space on the ground floor of The Bedford, a residential project located in the Bronx;
- Reconfirmation of a number of awards advanced at the December HTFC board meeting;
- Received a report on the progress of the Storm Recovery office in overcoming their backlog of recovery applications. The director of that office expects substantial amounts of relief funds to be issued in coming months.
- Appointment of Bret Garwood to the newly created position of Senior VP of the Office of Finance and Development at HCR.

Technology Update – The Coalition now has a new way of accepting donations and other payments through an online system! We can now accommodate credit card payments via our new DONATE button located on the front page of our website, www.ruralhousing.org. This exciting new online feature gives our members and other supporters another option that is easy, secure and fast to use. If you haven't visited our website lately, use this as an opportunity to check out our latest enhancement and view all the other valuable information the site contains!

Program Profile: Supportive Services For Veteran Families

In our regular feature, Rural Delivery invites members of the Rural Housing Coalition to highlight their community development projects and programs in the pages of this newsletter. This month, we are pleased to present a new program initiative from Saratoga County Rural Preservation Company (SCRPC), of Ballston Spa, New York. In their own words, here is their story:

In many ways, the Veterans' Administration has provided much needed services to our veterans and active duty military personnel; those services include medical, dental and mental health programs, treatment payments, pension, employment opportunities, the GI Bill, home loans, life insurance, survivor's benefits, cemetery services and burials. In addition, organizations like SCRPC provide transitional housing and services for homeless veterans, case management, advocacy and assistance in securing permanent housing.

With VA's objective of eliminating homelessness among our veterans, programs such as the Housing and Urban Development – Veterans Affairs Supportive Housing program (HUD-VASH) provide vouchers

for low income veterans to assist in obtaining permanent housing. The "Housing First" model has been championed by the VA for some time and has had much success.

However, for some veterans, the ability to sustain their permanent housing status has been a challenge; unemployment, mental health issues, unexpected expenses, and other problems have caused many veteran families to suffer due to eviction, loss of utilities, unreliable transportation, child care issues, etc.

The VA recognized these challenges three years ago and created the program we now call Supportive Services for Veteran Families (SSVF). This is a safety net program designed to give the veteran and his/her family assistance in coping with their challenges through extensive case management, benefits advocacy, vocational and rehabilitation counseling, employment and training services, personal financial planning, legal services and housing counseling services, to name some of the services offered; in addition, temporary financial assistance (TFA), for income qualified veteran families, can include child care services, transportation services, rental

assistance, utility payment assistance, security deposits, moving costs and emergency supplies.

There are certain restrictions on the disbursement of TFA's-the number of times in a given period that a veteran can request TFA varies from service to service offered. The important note to bring out is that the TFA is not a permanent life line – it is designed to help the veteran family get back on their feet; the family must continue to strive for independence and sustainability. With the continued assistance of the VA, through grantees like SCRPC, that sustainability can become a reality.

Saratoga County Rural Preservation Company is proud to be a part of this effort to assist our veterans – we've been doing so in one form or another for the past 24 years.

SCRPC, through its VetHelp division, launched the SSVF program on October 1, 2013; our coverage area includes Washington, Warren, Saratoga, Schenectady, Fulton, Montgomery and Schoharie Counties.

If you are aware of a veteran family who are homeless or in imminent danger of becoming homeless, have the veteran call us, toll free, at 1-(855) 233-1117.

CDBG Economic Development Funds Support Sewer Installation

On January 29th, the Housing Trust Fund Corporation Board approved a grant award of Community Development Block Grant funds to the Village of Kinderhook. The CDBG economic development funds normally are directed to business expansion creating jobs, but in this case will be used to install a sewerage system in the business district of the Village.

Kinderhook is a very historic Hudson Valley community, and the tightly developed downtown has 18th and 19th century buildings situated on very small lots. Over the years, a number of businesses have closed, and new operators have been unsuccessful in their attempts to renovate the structures for new uses due to the unavailability of sewer services. The lots are gen-

erally too small to accommodate a new septic system. The new sewers will enable a number of businesses to open in the existing buildings. This will certainly spur private investment, and the project is supposed to create at least 37 new jobs.

This is a very creative way of using CDBG ED funds to support infrastructure improvements in a historic downtown.

What Prompts An IRS Audit?

Anyone who has undergone an audit by the Internal Revenue Service (IRS) knows the tension of trying to answer questions while staying aware of everything that is going on. Simple mistakes can look like huge discrepancies under the scrutinizing eye of an IRS accountant, and an organization's reputation could be at stake if the audit does not go well. In addition, the time taken to prepare for and undergo the audit is time that could be better spent in other ways.

Speaking during a Not-For-Profit Financial Executive Forum, Rebekuh Eley and Cathy Stopyra of BDO discussed various aspects of IRS audits, especially the question most frequently asked by nonprofit managers who have been scrupulous about keeping records straight:

Westchester Housing Expo Slated

The 2014 Affordable Housing Expo will be held at the Westchester County Center on Saturday, March 15th. The free event will run from 11:00 AM to 5:00 PM, and will feature seminars on fair housing and lending rights, the importance of credit and credit scoring in the home purchase process, down payment and closing cost assistance programs, and the roles of various

professionals in the home purchase process. Expo exhibitors include realtors, lenders and housing counseling agencies. Housing counselors will also be available to assist renters find affordable rental housing.

The Westchester County Center is located at 198 Central Avenue, White Plains. For more information, contact the Housing Action Council at (914) 332-4144.

“Why are WE being audited?!”

Eley and Stopyra said the IRS usually engages the following methods in selecting an agency for an audit:

- IRS examination initiatives and projects;
- Complaints (referrals) about potential noncompliance with tax law;
- Risk modeling from the revised Form 990;
- Related examinations — returns might be selected for audit when

they involve issues or transactions with other taxpayers, such as business partners or investors whose returns were selected for audit;

- Documents matching — returns might be selected for audit when pay or other records, such as forms W-2 or Form 1099, don't match the information reported; and,
- Certain claims for refund or request for abatement that require further review.

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